

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
The Development of Operational,	)	
Technical and Spectrum Requirements	)	
For Meeting Federal, State and Local	)	WTB Docket No. 96-86
Public Safety Agency Communication	)	
Requirements Through the Year 2010	)	
	)	
Establishment of Rules and Requirements	)	
For Priority Access Service	)	

FEDERAL LAW ENFORCEMENT WIRELESS USERS GROUP'S  
SUBMISSIONS FOR MEMBERSHIP  
TO THE NATIONAL COORDINATION COMMITTEE

1. In the *Matter of the Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communications Requirements Through the Year 2010 and Establishment of Rules and Requirements For Priority Access Service, WT Docket No. 96-86, First Report and Order and Third Notice of Proposed Rulemaking, FCC 98-191 (1998) (First Report and Order)*, the Federal Communications Commission (Commission) called for the establishment of a Public Safety National Coordination Committee (NCC).<sup>1</sup> The Commission envisioned that the NCC would develop operational and technical recommendations regarding the use of the 700 MHz band designated for interoperability purposes.<sup>2</sup>

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<sup>1</sup> See *First Report and Order and Third Notice of Proposed Rulemaking, FCC 98-191 at paragraphs 90-94 (1998)*.

<sup>2</sup> See *Id.*

2. In the January 29, 1999, Public Notice, the Commission requests parties interested in becoming members of the NCC to submit the name(s), and if applicable, the name(s) of the organization(s) represented that wishes to serve in this capacity. The Public Notice calls for a diverse and comprehensive membership composed of all elements of the manufacturing, technology, public policy, network reliability/design, and service provider communities, including representatives with expertise in the planning and design of telecommunications networks that meet public safety and emergency responsiveness needs.

3. The Federal Law Enforcement Wireless Users Group (FLEWUG)<sup>3</sup> is composed of more than 30 federal departments and agencies with law enforcement and other public safety responsibilities. In 1993, the Office of the Vice President issued a National Performance Review (NPR) report recognizing the need to improve public safety communications. The NPR, and a subsequent Memorandum of Understanding between the Department of Justice and the Department of the Treasury, formally established the FLEWUG. One of the key objectives and goals of the FLEWUG is to plan and coordinate future, shared use, wireless communications systems and resources. The FLEWUG provides a formalized mechanism for federal radio spectrum users to address interoperability and other challenges related to public safety communications. The FLEWUG is dedicated to assisting the Commission and the public safety

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<sup>3</sup> The FLEWUG comprises law enforcement and public safety officials from the Department of the Treasury, Department of Justice, Department of the Interior, Department of Agriculture, Department of Defense, Department of Health and Human Services, United States Postal Service, United States Postal Inspection Service, National Telecommunications and Information Administration, Federal Emergency Management Agency, Internal Revenue Service, Federal Bureau of Investigation, United States Secret Service, United States Coast Guard, United States Capitol Police, Drug Enforcement Administration, United States Park Police, Immigration and Naturalization Service, United States Customs Service, Bureau of Alcohol, Tobacco, and Firearms, United States Mint, National Communications System, Defense Information Systems Agency, National Security Agency, Federal Law Enforcement Training Center, Bureau of Engraving and Printing, United States Marshals Service, National Institute of Standards and Technology, United States Forest Service, United States Fish and Wildlife Service, and Federal Bureau of Prisons.

community in meeting the Nation’s critical need for state-of-the-art communications systems and reliable interoperability between local, state, and federal public safety entities.

4. The FLEWUG respectfully submits Mr. Rick Murphy and Mr. Terry Hayton as its primary and alternate representative to the NCC. Mr. Murphy and Mr. Hayton serve as the co-chairs to the FLEWUG. The point of contact information for the FLEWUG primary and alternate representatives to the NCC is provided below:

**Primary Representative to the NCC**

Mr. Rick Murphy  
1849 & C Street NW  
Room 5042  
Washington, DC 20240  
(202) 208-3939 (phone)  
(202) 219-2791 (fax)

**Alternate Representative to the NCC**

Mr. Terry Hayton  
FBI-ERF  
Building 27958A  
Quantico, VA 22135  
(703) 279-2007 (phone)  
(703) 279-2032 (Fax)

**NCC Roles and Responsibilities**

5. The Commission, in the Public Notice regarding the Public Safety NCC, states that the NCC will be established to advise the Commission on issues relating to the use of the 700 MHz band. The FLEWUG strongly supports the need for national planning for both the interoperability and the general use portions of the new spectrum. The FLEWUG, however, wishes to reiterate the following concerns over the roles and responsibilities of the NCC and urges the Commission to address the following points as it works to establish the NCC.<sup>4</sup>

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<sup>4</sup> The FLEWUG, to date, has been actively engaged in this proceeding. For more information regarding FLEWUG’s positions, see FLEWUG’s Petition to the First Report and Order (see paragraphs 28-35) and its Comments to the Third NPRM (see paragraph 23).

- ***Oversight authority and responsibility*** – The FLEWUG believes that it is in the public interest for the NCC to have oversight and decision making responsibilities because: the Commission does not possess sufficient resources to provide the requisite degree of oversight, it is in the Commission’s interest to leverage the NCC toward this end, and without such authority the NCC may merely become a "paper tiger".<sup>5</sup> In lieu of the existing RPC process or of the proposed state licensing processes suggested to administer spectrum in the 700 MHz band, the FLEWUG proposes that the NCC, with its charter adjusted and strengthened as described in the FLEWUG's Petition<sup>6</sup> to the First Report and Order, be given direct responsibility for determining and managing the use and licensing scheme for the entire 700 MHz band. Moreover, the FLEWUG contends that the duration of the NCC need not be limited to four years, because the Federal Advisory Committee Act allows for repeated extensions.<sup>7</sup>
- ***Interoperability and general use agendas*** – The FLEWUG also wishes to voice its concerns with the level of involvement and responsibility the NCC will have regarding general use spectrum issues. It is the FLEWUG’s hope the NCC will address general use issues with the same level of involvement and responsibility as it will with the interoperability issues. Toward this end, the FLEWUG believes the NCC should maintain two distinct agendas to address both matters. The FLEWUG urges the Commission to consider the serious consequences that may arise if failures occur regarding the inappropriate segregation or coordination of the two discrete sets of issues.

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<sup>5</sup> See the FLEWUG Petition to First Report and Order at paragraph 31.

<sup>6</sup> See the FLEWUG Petition at paragraphs 28-35.

<sup>7</sup> See *Id.* In fact, the Commission states at footnote 233 of the First Report and Order that “advisory committees chartered under FACA can have terms of two years or less but charters can be renewed. See 5 U.S.C. App. 2 (1988). See Spectrum Planning and Policy Advisory Committee.

- ***Coordination role and dispute resolution in RPC activities*** – The FLEWUG believes NCC assistance with general use regional planning should not be viewed as voluntary or optional. The RPCs should be required to obtain NCC assistance and follow regional planning guidelines established by the NCC. Failure to do so could render national planning for general use 700 MHz spectrum no more effective than it was for the 800 MHz NPSPAC channels.<sup>8</sup> In addition, the FLEWUG believes the NCC should be charged with mediating disputes between the RPCs and that failure to provide a third-party dispute resolution mechanism could further frustrate progress.<sup>9</sup>
- ***Stipulation for ANSI accreditation of the NCC.*** In addition to addressing these matters, the FLEWUG strongly urges the Commission to withdraw the proposed role of the NCC in the standards development process and the requirement for the NCC to pursue ANSI accreditation. The FLEWUG believes that the proposed NCC role in standards development will result in a duplication of effort with existing standards development, may result in the development of incompatible standards, and could further delay the use of the 700 MHz band for public safety purposes. The FLEWUG supports and has adopted, by vote, the TIA/EIA-102 (Project 25) standards as its standard for digital radio communications and believes the adoption of these standards for digital interoperability in the 700 MHz band is a more workable alternative.<sup>10</sup>

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<sup>8</sup> See *Id.* at paragraph 32.

<sup>9</sup> See *Id.* at paragraph 27.

<sup>10</sup> See *Id.* at paragraphs 32 through 35.

### Conclusion

6. The FLEWUG wishes to thank the Commission for the opportunity to provide representation to the NCC. The FLEWUG adamantly believes that Mr. Murphy, and in his absence, Mr. Hayton, will serve as members that will ensure balanced participation and that the public interest is maintained.

Respectfully submitted,

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James J. Flyzik  
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Chief Information Officer,  
Department of the Treasury, and  
Vice Chair, Government Information Technology  
Services Board